

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
VALDOSTA DIVISION**

**UNITED STATES OF AMERICA,**

v.

**KENNETH RODNEY MCCRARY,**

Defendant.

Criminal Action No. 5:07-CR-37(HL)

**ORDER**

Before the Court is Kenneth Rodney McCrary's Motion for the Court to Clarify its Previous Order (Doc. 118). In his Motion, McCrary asks the Court to clarify its order dated February 29, 2012 declining to appoint counsel and denying a reduction of McCrary's sentence.

The Court denied McCrary's motion for a sentence reduction under the 2011 amendment to 18 U.S.C. § 3582(c)(2) because the amendment reduces the base offense level only for those offenses involving cocaine base, also known as crack cocaine. McCrary was convicted by a jury for possession of powder cocaine, as opposed to crack cocaine, and therefore, the amendment to 18 U.S.C. § 3582(c)(2) is not applicable to his case. The appointment of an attorney was unnecessary because the inapplicability of the amendment left no legal issues unresolved.

The Motion to Clarify (Doc. 118) is dismissed.

**SO ORDERED**, this 16<sup>th</sup> day of August, 2012.

**s/ Hugh Lawson**  
HUGH LAWSON, SENIOR JUDGE

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